

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

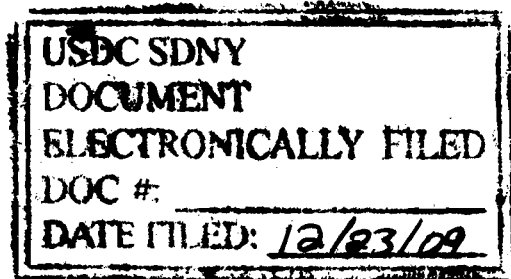
-----X  
CREDIT SUISSE SECURITIES (USA) LLC,

Plaintiff,

- against -

DAVID TRAINER and NEW CONSTRUCTS  
LLC,

Defendants.  
-----X



09 Civ. 10253 (RMB)

**ORDER**

Based upon the representation of the parties, as memorialized in a Memorandum of Understanding, dated December 22, 2009, and upon the understanding that the parties intend to abide by the terms of a temporary restraining order, originally issued by the Court on December 17, 2009, until such time as they finalize their settlement agreement (excluding the word "retaining"), it is hereby

**ORDERED**, that the action be, and the same hereby is, discontinued; provided, however, that either party may apply by letter on or before January 8, 2009, showing good cause why this action should be restored to the calendar of the undersigned.

**SO ORDERED.**

Dated: New York, New York  
December 23, 2009

A handwritten signature in black ink, appearing to read "RMB".

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Richard M. Berman, U.S.D.J.